

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1601 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.R.VORA

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

-----  
RAVI EDUCATION TRUST

Versus

SECRETARY

-----  
Appearance:

MR M.P. PRAJAPATI for Petitioner

MR L.R. PUJARI, AGP, for Respondent No. 1, 2, 3

-----  
CORAM : MR.JUSTICE J.R.VORA

Date of decision: 17/12/98

ORAL JUDGEMENT

1. Rule. Mr. L.R. Pujari, learned AGP waives service of rule on behalf of the respondents.

2. Petitioner has approached this court with a prayer to direct the respondents to give grant to the class of Standard 11 with common stream of the Higher Secondary section of Prakash High School run by the

petitioner trust. The petitioner trust had applied for such grant to the Government, which was refused by respondents vide communication dated 4th January, 1997. Copy of the said communication is placed on record of these proceedings at Page 51 - Annexure 'M'.

3. Learned counsel Mr.M.P.Prajapati for the petitioner and learned AGP Mr.L.R. Pujari for the respondents are heard at length. Learned counsel for the petitioner Mr. Prajapati has drawn attention of the court to the decision of this court in Spl.C.A. No.5757 of 1995, in which the facts were similar to the facts of the present case. In the above said case, the petitioner had filed an undertaking that they would not ask for the grant and on that condition, the permission to run the school was granted to that petitioner. Therefore, the grant was refused. Though in the present case vide communication at Annexure-'M' no such reasons have been advanced by the respondents. But, it is clear from the affidavit filed on behalf of the respondents that the grant was refused because initially the petitioner had agreed for not asking for the grant and such undertaking was also submitted by the petitioner. These circumstances were held to be discriminatory in Spl. C.A. No. 5747 of 1995 and, therefore, the respondents (Government) in that case were directed to consider the petitioner's case afresh.

4. For the same and similar reasons, in this case also, the respondents are directed to consider the petitioner's case afresh for the grant in the light of the observations made in Spl. C.A. No. 5747 of 1995. The respondents are, therefore, directed to consider the case of the petitioner afresh for the grant within a period of six weeks from the date of receipt of writ of this court. On decision of the respondents, the petitioner will be at liberty to move this court if circumstances so demand.

5. In the result, the petition succeeds to the aforesaid extent. Rule is made absolute to aforesaid extent only. There shall be no order as to costs.

-----

p.n.nair